

020095C1

10/801,279

REMARKS

Reexamination and reconsideration are respectfully requested for claims 22 – 28, which have been rejected under 35 U.S.C. §102, the examiner alleging that they are fully met by Freathy, et al., (US 6,774,797). This rejection is respectfully traversed.

Since Freathy, et al., was cited for the first time upon final rejection, since this response does not require a new search and does not present any amendments to the claims or specification for consideration, and since this application is clearly in condition for immediate allowance, it is respectfully requested that this response be entered and considered, without requiring applicant to file a further request for continuation examination under 37 C.F.R. §1.114.

Contrary to the examiner's assertions, virtually *none* of the claim elements of claims 22 – 28 can be found in Freathy, et al.

For example, claim 22 recites "a store for maintaining timing data derived from almanac data". No such store is shown or suggested in Freathy, et al. The examiner has cited (col 6, lines 9-11; col 7, lines 17-20; abstract, lines 8-9), alleging that these sections of the reference teach such a store.

Col. 6, lines 9 – 11 provides:

"... prescribed periods of the day. The parameters of the inclusion and exclusion zones for each tag are stored at the monitoring center and in the memory 14 of the tag."

Col 7, lines 17 – 20 provides:

"Because both the tag and the monitoring center have the appropriate exclusion and inclusion zones and times independently stored in their respective memories, either the tag or the monitoring center or both can generate an exclusion/inclusion violation alarm. Exclusion and/or inclusion viola-..."

And the Abstract lines 8 – 9 provides:

"...monitoring center on a regular periodic basis. The monitoring center maintains historical data of tag location correlated ..."

Applicant's attorney is at a complete loss to understand how any of these citations show "a store for maintaining timing data derived from almanac data". No almanac data

020095C1

10/801,279

is mentioned, and obviously, therefore, there is no timing data derived from it, nor is there a store for maintaining it.

"Almanac data" is clearly described in paragraph [0010] of applicant's printed patent application (US 2004/10021601A1): "the apparatus for time maintenance in a satellite positioning system receiver configured to receive data from a plurality of satellites comprises a processor coupled to the receiver to receive data therefrom. The processor derives almanac data from the received satellite data." Paragraph [0025] provides "Those skilled in the art will appreciate that the almanac data provided in the GPS is used conventionally to determine which satellites are in view of the GPS receiver and the approximate location of those satellites. In addition, the almanac data indicates which satellites actually exist. There are defined configurations for 32 satellites in the GPS constellation, but not all satellites are in orbit. For example, there are presently approximately 24 GPS satellites in orbit. The almanac data is used to indicate to the GPS receiver which satellites are in orbit and thus available for the location determining process. In addition, the almanac data can be used to indicate which of the orbiting satellites are in good working condition (i.e., are designated as "healthy"). It should be noted that almanac data is not intended for time maintenance or for position determination."

A careful reading of Freathy, et al., reveals only one mention of almanac data, at col. 5, line 65 – col 6 line 2, as follows:

"Regular positional fixes are required for optimally update [sic] the GPS receiver almanac because a cold start of the receiver can require over a minute to obtain a valid position, however regular positional fixes are not necessary for proper operation." This GPS receiver almanac is clearly different from the almanac data than that described by applicant in form, meaning, content, and use.

Thus, Freathy, et al., does not show or suggest the element of "a store for maintaining timing data derived from almanac data", and, for at least this reason the rejection of claims 22 - 28 should be withdrawn.

Furthermore, the examiner has cited col 4, lines 62 – 64 and col 7, lines 17 – 25 of Freathy, et al., as showing "a processor for deriving a first timing information portion using acquired communication signals and a second timing information portion using the stored timing data".

020095C1

10/801,279

Col 4, lines 62 – 64 provides:

“ . . . to obtain the current position of the tag. Satellite acquisition normally takes less than six seconds, substantially reducing the Power consumption of the device.”

Col 7, lines 17 – 25 provides:

“ . . . pendently stored in their respective memories, either the tag or the monitoring center or both can generate an exclusion/inclusion violation alarm. Exclusion and/or inclusion violations will be repeated until an acknowledgment of receipt is received by the generator of the alarm. The tamper alarms will also be sent to the monitoring center from the tag when tampering is detected and will be repeated at regular short intervals until such tampering is a knowledge [sic] by the monitoring center.”

Again, applicant's attorney is at a complete loss to understand how this in any way teaches “a processor for deriving a first timing information portion using acquired communication signals and a second timing information portion using the stored timing data”.

Finally, the examiner has cited the abstract as showing “a processor . . . for combining the first and second portions to determine a real time estimate.”

The abstract of Freathy, et al., is as follows:

“A tracking tag worn by an individual which cooperates with a monitoring center to monitor the location of individuals. The tracking tag has a number of location determination features, including GPS and cellular geolocation methods. The tag includes a processor, flash memory, a wireless modem, a GPS receiver and tamper detection components. The tags of the system provide location information to the monitoring center on a regular periodic basis. The monitoring center maintains historical data of tag location correlated with tag positional information from both the GPS and cellular svstems to enhance the verification of real-time positional information as it is received in real time from the tags. The system allows for a complex set of permissible and impermissible activities for the tag wearer and provides for detection and notification of violations.”

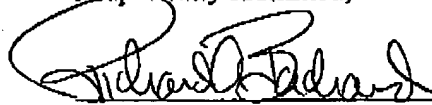
020095C1

10/801,279

It is respectfully submitted that this language in no way shows, teaches, or suggests "a processor for deriving a first timing information portion using acquired communication signals and a second timing information portion using the stored timing data, and for combining the first and second portions to determine a real time estimate", as claimed by applicant. The "real-time positional information" of Freathy, et al., is not "timing information". It is not derived from "acquired communication signals". It is not derived from "almanac data". There is no "combining of the first and second signals".

The Freathy, et al., reference is totally inapposite to the subject matter of applicant's claims 22 - 28. None of the claim elements are contained in the reference, even if "broad interpretation" is given to the language of the claims. Consequently, for at least this reason, the §102 rejection is improper, and the case is in condition for immediate allowance. It is therefore respectfully requested that claims 22 - 28 be allowed, and the case be advanced to issue.

Respectfully submitted,



QUALCOMM Incorporated
5775 Morehouse Drive G-225D
San Diego, CA 92121
Tel.: (858) 845-8503

Richard A. Bachand
Reg. No. 25,107
Attorney for Assignee
Under 37 CFR §1.34(a)